

REMARKS

This is in response to the Office Action mailed on July 13, 2004, and the references cited therewith. Claims 1, 4, 5, 7, 8, 14, and 17 - 19 are amended; claims 1 - 20 are now pending in this application.

Information Disclosure Statement

Applicant submitted an Information Disclosure Statement and a 1449 Form on November 4, 2003. Examiner initialed the 1449 Form and returned it with the Office Action dated July 13, 2004. One of the references was not initialed (copy enclosed). Applicant respectfully requests that the reference be initialed and a copy of the 1449 Form be returned to Applicants' Representatives to indicate that the cited reference has been considered by the Examiner.

§103 Rejection of the Claims

Claims 1-20 were rejected under 35 USC § 103(a) as being unpatentable over Hess (U.S. Patent No. 4,572,605) in view of Doan et al. (U.S. Patent No. 4,922,607).

Applicant respectfully traverses the rejection on several grounds. Applicant traverses the rejection because the cited references fail to establish all of the elements of the claims. For instance, Applicant cannot find in the cited references, considered alone or in combination:

a molded insulative sleeve having a conductor channel therein, as recited in claim 1;
at least one conductor disposed within a portion of the molded sleeve as recited in claim 9; or

forming at least one conductor channel within a molded sleeve as recited in claim 14.

As the references fail to establish all of the elements of the claims, Applicant submits that claims 1, 9, and 14 are in condition for allowance. Claims 2 – 8 provide additional limitations to claim 1, claims 10 – 13 provide additional limitations to claim 9, and claims 15 – 20 provide additional limitations to claim 14, and are likewise allowable.

In the Office Action, it is stated that “Hess does not disclose . . . a channel within the sleeve which houses a spiral conductor,” Page 2, Office Action. Applicant agrees. However, the

Office Action further states “Doan et al discloses . . . a channel within the sleeve (Figure 2) which houses a spiral conductor.” Page 2, Office Action. Applicant respectfully traverses the assertion and submits that such structure cannot be found on Figure 2 of Doan, and the assertion is unsupported by either cited reference. Furthermore, Applicant notes that neither reference establishes a conductor channel within the molded sleeve, or a conductor disposed within the molded sleeve as recited in the claims.

With respect to the unsupported statements discussed above, the Office Action may be taking Official Notice of facts not specifically supported by the references and apparently considers such as “well known” or common within the art. Applicant traverses the Official Notice and respectfully requests a patent under MPEP §2144.03 to support the assertion, or in the alternative, withdrawal of this assertion from the rejection. If a patent is not provided, Applicant submits the Examiner is relying on personal knowledge, and an affidavit under 37 CFR 1.104(d) is respectfully requested.

Applicant respectfully submits that the combination of elements and all of the limitations of the independent and respective dependent claims cannot be found in the cited references. Applicant submits, therefore, that the Office Action fails to establish a case of obviousness, and that the claims are in condition for allowance. Reconsideration and allowance are respectfully requested.

Notwithstanding that the references fail to establish all of the elements of the claims as discussed above, Applicant further traverses the rejection, because the Office Action fails to provide an objective motivation to so selectively combine the references as suggested. Furthermore, the suggestion in the Office Action fail to establish a combination to establish all of the claims of the application. According to the Office Action, [i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the second and third rings and spiral conductor of Doan et al in the connector assembly/method of Hess because, second and third rings seal connector assembly more efficiently and spiral conductor allows of a more permanent electrical connection.” Pages 2-3, Office Action. The Office Action fails to note where in the references such assertions can be found, and it appears that the assertions are unsupported by the references.

Furthermore, Applicant submits that the assertion in the Office Action is a conclusory statement that fails to provide any objective evidence legally establishing a case of obviousness. According to *In re Sang Su Lee*, "there must be some motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant." *In re Lee*, 61 USPQ2d 1430 (Fed. Cir. 2002), citing *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988). Furthermore, the "factual question of motivation is material to patentability, and could *not* be resolved on *subjective belief and unknown authority*." (Emphasis Added). *In re Sang Su Lee*, 61 USPQ2d 1430 (Fed. Cir. 2002). Applicant submits that the Examiner's conclusion that "second and third rings seal connector assembly more efficiently and spiral conductor allows of a more permanent electrical connection" is based on a subjective belief and unknown authority, since no art nor objective teaching was cited.

With respect to the unsupported statements discussed above, the Office Action appears to be taking Official Notice of facts not specifically supported by the references and apparently considers such as "well known" or common within the art. Applicant traverses the Official Notice and respectfully requests a patent under MPEP §2144.03 to support the assertion, or in the alternative, withdrawal of this assertion from the rejection. If a patent is not provided, Applicant submits the Examiner is relying on personal knowledge, and an affidavit as required by 37 CFR 1.104(d) is respectfully requested.

Reconsideration and allowance of claims 1 – 20 are respectfully requested.

Miscellaneous

Applicant has amended claims 1, 4, 5, 7, 8, 14, and 17 – 19 to clarify the subject matter therein. However, it is submitted that the amendments make express of what was implicit in the claim as originally filed and is not in response to the rejections nor the art cited in the Office Action.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3276 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

RANDY WESTLUND ET AL.

By their Representatives,

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Date Oct. 11, 2004

By

Catherine I. Klima-Silberg
Reg. No. 40,052

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12 day of October, 2004.

Paula Suchy

Name

Paula Suchy

Signature



PTO/SB/08A(10-01)
Approved for use through 10/31/2002, OMB 851-0031
US Patent & Trademark Office U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Use as many sheets as necessary)

Complete if Known	
Application Number	Unknown
Filing Date	Even Date Herewith
First Named Inventor	Westlund, Randy
Group Art Unit	Unknown
Examiner Name	Fuqua, Shawntina

Sheet 1 of 1

Attorney Docket No: 279.182US2

US PATENT DOCUMENTS						
Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date If Appropriate
CJF	US-4,469,104	09/04/1984	Peers-Trevarton, C. A.	128	419	07/16/1982
	US-4,572,605	02/25/1986	Hess, D. N.	339	177	08/09/1984
	US-4,922,607	05/08/1990	Doan, Phong D., et al.	29	879	05/25/1988
	US-4,934,367	06/19/1990	Daglow, Terry D., et al.	439	527	04/22/1988
	US-4,971,057	11/20/1990	Theres, Heinz P.	128	419	12/07/1989
	US-5,012,807	05/07/1991	Stutz Jr., W. H.	128	419	05/03/1990
	US-5,070,605	12/10/1991	Daglow, T D., et al.	29	842	01/24/1990
	US-5,076,270	12/31/1991	Stutz Jr., W. H.	128	419	01/30/1991
	US-5,231,996	08/03/1993	Bardy, et al.	128	785	01/28/1992
	US-5,267,564	12/07/1993	Barcel, J. E., et al.	128	634	06/14/1991
V	US-5,304,219	04/19/1994	Chernoff, Edward , et al.	607	122	06/05/1992
	US-5,843,141	12/01/1998	Bischoff, T C., et al.	607	37	04/25/1997
SH	US-6,208,900	03/27/2001	Ecker, R. M., et al.	607	17	03/28/1996

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T ¹

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²



EXAMINER Shawntina Fuqua DATE CONSIDERED 7/11/04

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached

S/N 10/701,091

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Randy Westlund et al.

Examiner: Shawntina T. Fuqua

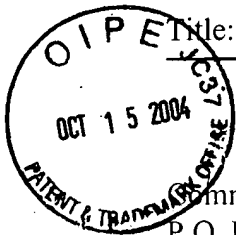
Serial No.: 10/701,091

Group Art Unit: 3742

Filed: November 4, 2003

Docket: 279.182US2

Title: MULTI-POLAR CONNECTOR



COMMUNICATION CONCERNING RELATED APPLICATIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants would like to bring to the Examiner's attention the following related applications in the above-identified patent application:

<u>Serial/Patent No.</u>	<u>Filing Date</u>	<u>Attorney Docket</u>	<u>Title</u>
09/738401 6,643,550	December 15, 2000	279.182US1	MULTI-POLAR CONNECTOR
10/226,374	August 21, 2002	279.367US1	PRINTED CIRCUIT AND MICRO TERMINAL CONNECTORS

Respectfully submitted,

RANDY WESTLUND ET AL.

By Applicants' Representatives,

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P.O. Box 2938
Minneapolis, MN 55402
(612) 359-3276

Date

Oct. 11, 2004

By

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Name

Signature